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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,594

10/30/2003

Hiroyuki Nagano

4686-001

7167

22429 7590 12/19/2007  
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EXAMINER

HARPER, TRAMAR YONG

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

12/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/696,594

Applicant(s)

NAGANO, HIROYUKI

Examiner

Tramar Harper

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 8-10 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, & 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

The finality of the office action dated 7/27/07 has been withdrawn. Examiner acknowledges receipt of amendment filed 11/27/07. The arguments set forth are addressed herein below. Claims 1-5, 8-10, & 20-26 are pending, and Claims 1 & 8 have been amended.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-5, 8-10, & 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parish et al (US 5,156,250) in view of Vogt et al (US 5,566,809).**

**Claims 1, 8, & 20-21:** Parish discloses a currency receiver for use within a vending machine. The vending machine including a cabinet, a door, a bill insertion slot and a bill guide (Figs. 1-12). The bill guide includes a plurality of slot openings for separating foreign matter or liquid from the currency (Abstract). Parish discloses such a bill receiver prevents customer tampering, vandalism, and malfunction of a vending machine (Col. 1:21-41). Parish discloses that the currency receiver can be used in any vending machine that accepts currency (Col. 2:40-52). Figs. 1-2, illustrate the bill guide enclosed in a mounting member. Parish discloses that liquid sometimes can enter the mechanisms of the vending machine and cause malfunction to occur and the liquid

diverter/bill guide is provided for purposes of redirecting liquid/foreign matter outwardly away from the bill validator and vending machine (Col. 1:35-40, Col. 2:63-Col. 3:4).

Furthermore, Parish clearly discloses the bill guide fixed to the mounting inserted into the notch of the control panel of the vending machine (Fig. 2). However, Parish fails to disclose a first open end covered by the bill guide plate and located under the openings of the bill guide plate for receiving the foreign matter dropped from said openings and a second open end located below and communicated with the first open end, second open end being opened downwards for directing the foreign matter further downwardly. Vogt discloses a bill validator for a vending machine the machine comprising a bill inlet slot and a mounting member or housing, wherein the mounting member comprises of a first open end or reservoir (14) covered by the bill validator and a second open end or conduit (32) located below and communicated with the first open end, second open end being opened downwards for directing the foreign matter further downwardly (Abstract, Col. 2:60-Col. 3:65, Figs. 1-3). The mounting member/catch pan located directly below the bill validator (Figs. 1-3). Vogt discloses that it is geared towards protecting vulnerable components (Abstract). It would have been obvious to one of ordinary skill in the art to modify the liquid diverting bill guide means of Parish, with the first and second open end of Vogt to provide a route or pathway to guarantee that foreign matter would not enter into areas where electrical components are maintained to prevent malfunctioning of such components e.g. remote foreign matter to remote areas (Vogt Col. 2:60-Col. 3:65).

The combination of Parish in view of Vogt discloses the above, but fails to disclose the mounting member/catch pan located directly below the bill guide plate. The combination clearly is drawn to protecting the components of the vending machine including the bill validator/receiver from foreign matter/liquid and providing a pathway for such foreign matter (see above). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Parish in view of Vogt such that the mounting member/catch pan is located directly below the bill guide, since it has been held that rearranging parts of an invention involves only routine skill in the art. (*In re Japikse*, 86 USPQ 70.)

Parish discloses clearly that the bill guide plate and mounting members are separate entities that make up an entire apparatus and therefore clearly indicate that such entities can be attached or detached by the appropriate fasteners (Figs. 2-10). However, Parish in view of Vogt fails to disclose a bill guide plate wherein a protrusion is formed on a rear wall of the plate and a cylindrical protrusion, including an internal thread, is formed on the lower wall of the bill guide plate and also wherein a groove is formed in a rear inner wall of the first open end of the mounting member, and the protrusion of the bill guide plate is insert able into the groove and the bill guide plate is tilt able towards the mounting member in order to assemble the bill guide plate onto the mounting member. Furthermore, the bill guide plate is fixed to the mounting member by a single fixed screw inserted or engaged with the internal thread of the said cylindrical protrusion. However, Applicant has not disclosed that having a bill guide plate wherein a protrusion is formed on a rear wall of the plate and a cylindrical protrusion, including

an internal thread, is formed on the lower wall of the bill guide plate and also wherein a groove is formed in a rear inner wall of the first open end of the mounting member, and the protrusion of the bill guide plate is insert able into the groove and the bill guide plate is tilt able towards the mounting member in order to assemble the bill guide plate onto the mounting member and the bill guide plate is fixed to the mounting member by a single fixed screw inserted or engaged with the internal thread of the said cylindrical protrusion provides an advantage or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Parish's bill guide which is clearly attachable and detachable to the mounting member, and applicant's invention, to perform equally well with either the separate bill acceptor members, as taught by Parish in view of Vogt, or the claimed, as described above, because both would perform the same functions of being attachable and detachable and diverting liquid away from vulnerable entities within the machine.

Therefore, it would have been prima facie obvious to modify Parish in view of Vogt, such that the bill guide plate includes a protrusion on a rear wall of the plate and a cylindrical protrusion, including an internal thread, on the lower wall of the bill guide plate and a groove in a rear inner wall of the first open end of the mounting member, and the protrusion of the bill guide plate is insert able into the groove and the bill guide plate is tilt able towards the mounting member in order to assemble the bill guide plate onto the mounting member and the bill guide plate is fixed to the mounting member by a single fixed screw inserted or engaged with the internal thread of the said cylindrical protrusion because such a modification would have been considered a mere design

consideration which fails to patentably distinguish over the prior art of Parish in view of Vogt.

**Claims 2-3 & 22-23:** Parish discloses that the slot openings of the bill guide are in a rectilinear formation and are parallel to each other. Partition members divide the slot openings into smaller slot openings (Figs. 3-4, & 10).

**Claims 4 & 24:** Referring to Figs. 3-4, & 10, the slot opening ((102) & (104)) lengths are smaller than the diameter of coin (Parish).

**Claims 10 & 26:** Vogt discloses the mounting member has a passage extending downward from the first open end to the second open end, being tapered as the passage extends downward (Figs. 1-3).

**Claims 5 & 25:** Parish discloses that the upper surface of the partition members closer to the bill insertion slot is lower than the upper surface of the partition members farther from the bill insertion slot and that the top surface of the separating walls are flush with each other (Figs. 3-7 bill guide is curved). Parish in view of Vogt meets the above limitations, but fails to disclose the upper surfaces of the partition members below a top surface of the bill guide plate. However, Applicant has not disclosed that the upper surfaces of the partition members below a top surface of the bill guide plate provides an advantage or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Parish's partition members, and applicant's invention, to perform equally well with either the partition members flush with the top surface, as taught by Parish in view of Vogt, or the claimed upper surfaces of the partition members below a

top surface of the bill guide plate because both would perform the same functions of dividing the slot openings into smaller slot openings.

Therefore, it would have been prima facie obvious to modify Parish in view of Vogt, such that the upper surfaces of the partition members are below a top surface of the bill guide plate because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Parish in view of Vogt.

### ***Response to Arguments***

Applicant's arguments filed 11/27/07 have been fully considered but they are not persuasive. In regards, to the finality of the previous office action the examiner respectfully agrees that the finality of the previous office was improper. As such, the previous office action is treated as a Non-final office action. It regards to the affidavits submitted, the Examiner has considered the material, but can not comment specifically on non-precedent material. However, examiner feels that the material has no bearing on the design choice rejection, specifically Claim 8. Furthermore, a reading of the MPEP 2144.04[R-1](I) discloses legal precedents and examples of how design choice rejection is acceptable and/or not acceptable. Applicant has failed to disclose in the specification why the limitations are not design choice e.g. provides an advantage or solves a stated problem over the prior art. More particularly, considering that both the Applicant's mounting member and the prior art's mounting member provide the same function of being attachable and detachable and diverting liquid away from vulnerable entities within the machine. In regards, to the new limitations please see above. It is



noted that no arguments were presented with respect to claims 2-5, 9-10, & 20-26. It can only be assumed applicant acquiesces in this rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

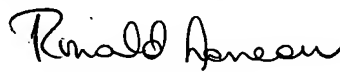
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Ronald Laneau  
Primary Patent Examiner  
Art Unit 3714

TH

12/12/07